

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EAST JORDAN PLASTICS, INC. and
EAST JORDAN PLASTICS, INC. HEALTH
AND DENTAL PLAN,

Plaintiffs,

vs.

Case No. 12-cv-15621
HON. GERSHWIN A. DRAIN

BLUE CROSS AND BLUE SHIELD OF
MICHIGAN,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO STAY [#37], CANCELLING
SEPTEMBER 4, 2013 HEARING AND ADMINISTRATIVELY CLOSING CASE**

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This case is one among approximately twenty-six cases pending in this Court involving substantially identical allegations against Defendant, Blue Cross and Blue Shield of Michigan ("BCBS"). All of the actions are brought by private entities and their self-insured health care plans alleging that BCBS is charging and hiding fees that were not a part of the parties' Administrative Service Contract for BCBS claims administration services. The first case to go to trial was *Hi-Lex Controls Inc. v. Blue Cross & Blue Shield of Mich.*, No. 11-cv-12557. On May 23, 2013, the Court entered a judgment for the plaintiffs and against BCBS. BCBS has filed a notice of appeal challenging the Court's decision concerning BCBS's Motions for Summary Judgment, as well as its judgment.

Presently before the Court is BCBS's Motion to Stay, filed on June 27, 2013. This matter

is fully briefed and the Court finds that oral argument will not aid in the resolution of this motion. Accordingly, the Court will resolve the present motion on the briefs submitted. *See* E.D. Mich. L.R. 7.1(f)(2).

The Court concludes that the legal issues raised herein are substantially similar to those recently litigated in the Hi-Lex Controls case, *supra*. Further, because a decision concerning BCBS's appeal in the Hi-Lex Controls case will likely influence the outcome of these proceedings, the Court will stay this matter until the appeal in *Hi-Lex Controls* is decided. *See Lumbermen's Inc. v. Blue Cross & Blue Shield of Mich.*, No. 12-cv-15606, 2013 U.S. Dist. LEXIS 107420, *1 (E.D. Mich. July 24, 2013); *Computer & Eng'g Servs. v. Blue Cross & Blue Shield of Mich.*, No. 12-15611, 2013 U.S. Dist. LEXIS 107418, *1 (E.D. Mich. July 24, 2013); *Borroughs Corp. v. Blue Cross Blue Shield of Mich.*, No. 11-12565, 2013 U.S. Dist. LEXIS 98044, *6-7 (E.D. Mich. July 10, 2013).

Accordingly, Defendant's Motion to Stay [#37] is GRANTED. The Clerk of the Court is directed to Administratively Close this matter for statistical purposes only. Any party may file a motion to reopen at the appropriate time.

SO ORDERED.

Dated: August 27, 2013

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE